

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
324 EAST ELEVENTH STREET
KANSAS CITY, MISSOURI 64106

IN THE MATTER OF

International Food Service
Equipment Systems
Washington, Missouri

EPA I.D. No. MOD068549492

Docket No. 82-H-026

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

This proceeding for the assessment of a civil penalty was initiated pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6928. The Complainant in this proceeding, the Regional Administrator, United States Environmental Protection Agency (EPA), Region VII, issued a Complaint and Compliance Order and Notice of Opportunity for Hearing to Respondent, International Food Service Equipment Systems, on or about September 30, 1982. The Complainant has charged Respondent with violation of §3004 of RCRA, 42 U.S.C. 6924, and 40 C.F.R. §265.90.

Complainant and Respondent have agreed to a settlement in this case without adjudication of fact or law. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of the Complaint. Respondent admits the specific factual allegations set forth in the Complaint and Compliance Order and as set forth in the Findings of Fact below. This agreement shall constitute the final disposition of this matter as long as the terms and conditions of the Consent Agreement are met. Respondent hereby explicitly waives its right to receive a hearing on any issue of fact or law set forth herein. Respondent consents to the Order hereinafter recited, agrees to the payment of a penalty in the amount set out in the Order, and agrees to comply with the provisions set forth in paragraphs 8 and 9.

FINDINGS OF FACT

1. International Food Service Equipment Systems operates a manufacturing plant located at Old Highway 100 East, Washington, Missouri.
2. In the course of production, Respondent generates hazardous waste as defined at 40 C.F.R. §§261.31 and 261.32.
3. Since November 19, 1980, Respondent has operated the facility in Washington, Missouri, for the storage and disposal of hazardous waste, to wit: hazardous wastes are stored and disposed of on site into a surface impoundment.



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RCRA RECORDS CENTER

4. Pursuant to 40 C.F.R. §265.90, the owner or operator of a surface impoundment which is used to manage hazardous waste is required to have implemented a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility by November 19, 1981.
5. Respondent violated the above regulation in that Respondent had not implemented a groundwater monitoring program as required by 40 C.F.R. Part 265, Subpart F, by November 19, 1981.
6. By September 27, 1982, Respondent had installed a groundwater monitoring system as described at 40 C.F.R. Part 265, Subpart F and the regulation at 40 C.F.R. 265.90.

CONCLUSIONS OF LAW

7. Respondent has violated Section 3004 of RCRA, 42 U.S.C. 6925 by operating a surface impoundment for the management of hazardous waste subsequent to November 19, 1981, without implementing a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility.

ORDER

8. Pursuant to the authority of Section 3008 of RCRA, 42 U.S.C. 6928, upon consideration of the above Findings of Fact and Conclusions of Law, upon consideration of corrective measures taken by Respondent to assure compliance with applicable regulations, upon consideration of the nature, circumstances and seriousness of the violation, and after consideration of the entire record herein, it is this _____ day of _____, 1982, ORDERED that Respondent, International Food Service Equipment Systems, operate the groundwater monitoring system in compliance with 40 C.F.R. Part 265, Subpart F.

9. IT IS FURTHER ORDERED that Respondent, International Food Service Equipment Systems, pay a civil penalty in the amount of \$3500 within sixty (60) days of receipt of an executed copy of the Consent Agreement and Consent Order. Payment shall be made by cashier's or certified check payable to the United States Treasury and forwarded to the Regional Hearing Clerk, United States Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

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Systems
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10. If the full amount of the penalty has not been paid within 30 days of receipt of the executed Consent Agreement and Consent Order, interest shall thereon commence to be charged. Said interest shall be calculated at the rate of 14.26% per annum on the balance of the unpaid penalty and accumulated interest until both are fully paid.

INTERNATIONAL FOOD SERVICE EQUIPMENT
SYSTEMS
Respondent

By: _____

At: _____

Date: _____

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
Complainant

By: _____

Cheryle Micinski
Attorney
Office of Regional Counsel

At: 324 East 11th Street
Kansas City, Missouri 64106

Date: _____

IT IS SO ORDERED. This Order shall become effective upon receipt of a signed copy of the Order by Respondent, International Food Service Equipment Systems.

William W. Rice
Acting Regional Administrator
U.S. EPA, Region VII
324 East 11th Street
Kansas City, Missouri 64106

Date: _____

bcc: Mike Sanderson, AWC
State of Missouri

CNSL/CLMicinski:ksp:11-5-82:Doc 5182A

324 EAST ELEVENTH STREET
KANSAS CITY, MISSOURI 64106

CONSENT AGREEMENT AND FINAL ORDER

3. Since November 19, 1980, Respondent has operated the facility in Washington, Missouri, for the storage and disposal of hazardous waste, to wit: hazardous wastes are stored and disposed of on site into a surface impoundment.

International Food Service Equipment
Systems

Docket No. 82-H-026

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4. Pursuant to 40 C.F.R. §265.90, the owner or operator of a surface impoundment which is used to manage hazardous waste is required to have implemented a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility by November 19, 1981.

5. Respondent violated the above regulation in that Respondent had not implemented a groundwater monitoring program as required by 40 C.F.R. Part 265, Subpart F, by November 19, 1981.

6. By September 27, 1982, Respondent had installed a groundwater monitoring system as described at 40 C.F.R. Part 265, Subpart F and the regulation at 40 C.F.R. 265.90.

CONCLUSIONS OF LAW

7. Respondent has violated Section 3004 of RCRA, 42 U.S.C. 6925 by operating a surface impoundment for the management of hazardous waste subsequent to November 19, 1981, without implementing a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility.

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8. Pursuant to the authority of Section 3008 of RCRA, 42 U.S.C. 6928, upon consideration of the above Findings of Fact and Conclusions of Law, upon consideration of corrective measures taken by Respondent to assure compliance with applicable regulations, upon consideration of the nature, circumstances and seriousness of the violation, and after consideration of the entire record herein, it is this _____ day of _____, 1982, ORDERED that Respondent, International Food Service Equipment Systems, operate the groundwater monitoring system in compliance with 40 C.F.R. Part 265, Subpart F.

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INTERNATIONAL FOOD SERVICE EQUIPMENT
SYSTEMS
Respondent

By: _____

At: _____

Date: _____

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
Complainant

By: _____
Cheryle Micinski
Attorney
Office of Regional Counsel

At: 324 East 11th Street
Kansas City, Missouri 64106

Date: _____

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William W. Rice
Acting Regional Administrator
U.S. EPA, Region VII
324 East 11th Street
Kansas City, Missouri 64106

Date: _____

bcc: Mike Sanderson, AWCN
State of Missouri

CNSL/CLMicinski:ksp:11-5-82:Doc-5182A

324 EAST ELEVENTH STREET
KANSAS CITY, MISSOURI 64106

CONSENT AGREEMENT AND FINAL ORDER

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International Food Service Equipment
Systems

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4. Pursuant to 40 C.F.R. §265.90, the owner or operator of a surface impoundment which is used to manage hazardous waste is required to have implemented a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility by November 19, 1981.
5. Respondent violated the above regulation in that Respondent had not implemented a groundwater monitoring program as required by 40 C.F.R. Part 265, Subpart F, by November 19, 1981.
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CONCLUSIONS OF LAW

7. Respondent has violated Section 3004 of RCRA, 42 U.S.C. 6925 by operating a surface impoundment for the management of hazardous waste subsequent to November 19, 1981, without implementing a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility.

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Systems
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10. If the full amount of the penalty has not been paid within 30 days of receipt of the executed Consent Agreement and Consent Order, interest shall thereon commence to be charged. Said interest shall be calculated at the rate of 14.25% per annum on the balance of the unpaid penalty and accumulated interest until both are fully paid.

INTERNATIONAL FOOD SERVICE EQUIPMENT
SYSTEMS
Respondent

By: _____

At: _____

Date: _____

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
Complainant

By: _____
Cheryle Micinski
Attorney
Office of Regional Counsel

At: 324 East 11th Street
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William W. Rice
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International Food Service
Equipment Systems
Washington, Missouri

Docket No. 82-H-026

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FINDINGS OF FACT

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International Food Service Equipment
Systems
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SYSTEMS
Respondent

By: _____

At: _____

Date: _____

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
Complainant

By: _____
Cheryl Micinski
Attorney
Office of Regional Counsel

At: 324 East 11th Street
Kansas City, Missouri 64106

Date: _____

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Date: _____

bcc: Mike Sanderson, AHCN
State of Missouri

CNSL/CLMicinski:ksp:11-5-82:Doc-5182A

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State of Missouri

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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324 EAST ELEVENTH STREET
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IN THE MATTER OF)	
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INTERNATIONAL FOOD SERVICE EQUIPMENT
SYSTEMS
Respondent

By: _____

At: _____

Date: _____

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
Complainant

By: Cheryle Micinski
Cheryle Micinski
Attorney
Office of Regional Counsel

At: 324 East 11th Street
Kansas City, Missouri 64106

Date: 11-5-82

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William W. Rice
Acting Regional Administrator
U.S. EPA, Region VII
324 East 11th Street
Kansas City, Missouri 64106

Date: _____